

HAMILTON COUNTY BOARD OF COMMISSIONERS
DECEMBER 10, 2007

The Hamilton County Board of Commissioners met on Monday, December 10, 2007 in the Commissioners Courtroom in the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in Executive Session in Conference Room 1A at 1:00 p.m. Vice President Altman called the public session to order at 2:03 p.m. and declared a quorum present of Commissioner Christine Altman and Commissioner Steven A. Holt. Commissioner Steven C. Dillinger was absent. The Pledge of Allegiance was recited.

Approval of Minutes

Holt motioned to approve the minutes of November 26, 2007 and November 30, 2007 with spelling corrections indicated by Altman to the Auditor's staff. Altman seconded. Motion carried unanimously.

Executive Session Memoranda

Holt motioned to approve the December 10, 2007 Executive Session Memoranda. Altman seconded. Motion carried unanimously.

Holt motioned to approve the November 30, 2007 Executive Session Memoranda. Altman seconded. Motion carried unanimously.

Highway Business [2:05:53]

117th Street and Olio Road Request for Variance

Mr. Bill Terry, representing Thompson Thrift for Shops at Geist Pointe at the northeast corner of 116th Street and Olio Road in Fishers, Indiana. Terry stated currently there is a 57 ½ foot right of way and the thoroughfare plan calls for a 85 foot right of way in that area. Terry stated they are requesting 70 foot right of way so all four intersections at 116th Street and Olio Road would have the same amount of right of way. Holt asked what the highway department's recommendation was. Mr. Jim Neal stated they could accept a 75 foot half right of way, which was already set as a setback of excess right of way that we are getting rid of. Holt asked if Terry was aware of their recommendation? Terry stated yes. Holt asked if this works for them? Terry stated yes. Howard stated that is the amount of land that we have agreed to sell to them, all but the 75 feet. Holt motioned to grant the variance and reduce to 75 feet which corresponds to the amount we have agreed to sell. Altman seconded. Altman questioned if this does not include the request to vacate the corner cut? Holt stated he did not speak to that. Motion carried unanimously.

Mr. Don Potter, Thompson Thrift, requested a change of use for the existing west entrance curb cut from residential to commercial use. Altman asked what is the basis for this request? Potter stated they plan to vacate 117th Street with their development and it will become a private drive. Altman asked if this is the parcel the county is selling to you? Potter stated yes. Altman asked if they have paid for that corner? Potter stated they have paid for the lot. Altman stated but you did not pay for the corner because we are retaining it as right of way. Potter stated correct, we are buying that as a lot and then we found out that there was a corner cut. We paid \$85,000 for the lot. Howard stated you did not pay for the lot; it went to the edge of the road. The 75 feet that was just allowed was taken off the lot anyway. Altman stated it was not included in the purchase price. Howard stated the excess property sold to Thompson Thrift excluded the corner cut and the 75 feet; the argument that you paid for the lot, whatever shape, does not make any sense. Potter stated he was not involved with that transaction and he was told that we were buying the lot and when we looked at the exhibit it was taken off but at the time it was not an issue because that was going to be vacated and we thought it would come back. Altman stated the problem is that you did not buy it so if we reduce the right of way we still have that corner cut. If you would like to entertain that parcel at the same square footage, that would be fine but currently according to what our attorney just advised us it is still going to be in the subject to. Howard stated we bought the corner cut in fee; it is not right of way that is subject to vacation by another unit or municipality. Just like we bought the old lot in fee and we deeded it back to you; the lot less 75 feet and less the corner cut. Howard stated vacating 117th Street does not do anything to the right of way; you still do not own it. Commissioner Altman stated if you want to buy it, it may be for sale at the same price per square foot. Potter asked if this is something we take care of right now or after this. Holt motioned to table the request and bring it back to the next meeting. Howard recommended Potter speak with Mr. Knapp, Right of Way Manager. Altman seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit – Highway Department

Neal requested acceptance of Bonds and Letters of Credit for the highway department. 1) HCHD #B-07-0046 – Ohio Farmers Insurance Company Maintenance Bond 0044035 issued on behalf of Advantage Concrete Limited, LLC in the sum of \$6,525.60 for site concrete for curbs in Fox Hollow, Section 3. 2) HCHD #B-07-0047 – Continental Casualty Company Maintenance Bond 929441676 issued on behalf of E&B Paving, Inc. in the sum of \$19,687.80 for stone base, asphalt binder and asphalt surface in Fox Hollow, Section 3. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Release of Bonds/Letters of Credit – Highway Department

Neal requested the release of Bonds and Letters of Credit for the highway department. 1) HCHD #B-04-0095 – United States Fidelity and Guaranty Company Maintenance Bond #400TE9789 issued on behalf of DeLello & Sons Asphalt Paving, Inc. for Vintage Woods Subdivision, Section 2 stone, binder and surface. 2) HCHD #B-07-0002 – Travelers Casualty and Surety Company Subdivision Performance Bond issued on behalf of DeLello & Sons Asphalt Paving, Inc. for Potters Bridge Estates, stone, paving and signs at the SW corner of 206th Street and Cumberland Road. 3) HCHD #B-07-0005 – Ohio Farmers Insurance Company Performance Bond No. 0027534 issued on behalf of Advantage Concrete Limited, LLC and Potters Bridge Estates, LLC for site concrete, curbs and common area walks. 4) HCHD #B-03-0118 – Travelers Casualty and Surety Company Bond 104156687 issued on behalf of Panhandle Eastern Pipe Line Company for pipeline alterations for Highway 32, Moontown Road and Gray Road. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Agreements and/or Supplements

Pleasant Street Bridge

Neal requested approval of Engineering Agreements with 1) A&F Engineering Company, LLC for the proposed Pleasant Street Bridge Analysis. 2) R.W. Armstrong, HCHD #E-07-0011, for West 146th Street Road Reconstruction from Springmill Road to Ditch Road. 3) Beam Longest and Neff, LLC, HCHD #E-07-0012, for 146th Street Expansion (Approximately 1,000' west of Towne Road to approximately 1000' west of Ditch Road. 4) USI Consultants, Inc., HCHD #E-07-0013, for West 146th Street expansion Section One (County Line to Towne Road). 5) USI Consultants, Inc., HCHD #E-07-0019, for the 206th Street Expansion from Hague Rod to SR 19. 6) Floyd E. Burroughs & Associates, Inc., HCHD #E-07-0020, for 206th Street Road widening project from State Road 19 to Cumberland Road. 7) Cripe Architects & Engineers, HCHD #E-07-0018, for 161st Street and Gray Road intersection improvement. 8) Supplemental Agreement No. 3 with Paul I. Cripe, Inc., HCHD #E-98-0012, for 116th and Shelborne Road, 136th and Prairie Baptist Road, and 161st and Gray Road. 9) R.W. Armstrong & Associates, Inc., HCHD #E-07-0017, for 96th

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Street and Cumberland Road intersection improvement. 10) DLZ, HCHD #E-07-0021, for reconstruction of the intersection of 206th Street and Overdorf Road. 11) Corradino, LLC, HCHD #E-07-0015, for various scoping/corridor studies in Hamilton County. 12) First Group Engineering, Inc., HCHD #E-07-0016, for 146th Street and Herriman Boulevard traffic study. 13) Butler, Fairman and Seufert, Inc., HCHD #E-07-0014, for Noblesville Riverwalk, Phase 1. 14) Supplemental Agreement No. 1 with R.W. Armstrong & Associates, Inc. for 236th Street reconstruction project from US 31 to the west limits of the Town of Cicero. Holt motioned to approve all of the 13 agreements and the supplement agreement for 236th Street with RW Armstrong. Altman seconded. Altman stated the scanned agreement she received for RW Armstrong on 146th Street West did not have the same services marked out as the other 146th Street contracts (Burroughs & USI). Altman stated she wants to make sure we are consistent on services, if that is the intent. Mr. Joel Thurman stated it is our intent as we develop the project that we will come back with supplements and they will do those services but at this point in time they will not be under contract for those services. Altman asked that they be crossed out, so there is no question. Altman asked if these are all on our standard forms? Neal stated yes. Motion carried unanimously.

Concurrence with Traffic Study Correspondence

Mr. Chris Burt requested concurrence with the list of correspondence concerning investigations for requests for signage on Hamilton County Roads. 1) Brian Duncan requesting traffic lights or signage at 10959 Olio Road (IMI Plant) in Fall Creek Township. The recommendation is to clear right of way to improve the site distance. Altman asked if the clearing will be sufficient without a warning sign? Burt stated there is a Truck Crossing Sign south of that location. Holt stated your response reflected the multiple curb cuts; was there any thought that the access in and out should be throttled down? Burt stated no, there is one main entrance and the southern entrance is used as an entrance only. Clearing the site distance for the northern entrance would not improve anything for those making a left out of there. Holt motioned to approve the recommendation of the highway with regard to the IMI request. Altman seconded. Motion carried unanimously. Neal stated he spoke with the IMI manager and the southern entrance is only used for northbound vehicles. 2) Julie Connolly requesting reduced speed limit and/or installation of a traffic signal at 146th Street from Carey Road and Gray Road in Washington Township. The recommendation is to make no changes at this time; 45 mph is the highest speed for the design and traffic. Burt stated the nearest intersection to warrant a signal was Arrowwood (to the south) and Setter's Run (to the north). These intersections did not meet primary warrant for a signal. Holt motioned to approve. Altman seconded. Motion carried unanimously. 3) Dottie Brisley requesting additional site distance at 161st Street and Gray Road. The highway department has trimmed the foliage. Her second request was for a longer green time for Cherry Tree Road at 146th Street for pedestrians and bicyclists to cross 146th Street. Burt stated that signal has been timed for an appropriate clearance for bicyclists. No changes are recommended at this time. Altman asked if we could look at putting in a crossing button? Burt stated it is more complex than just installing the buttons; the median extends into the normal path for a crosswalk. We would have to cut back part of the median and new curb ramps. Neal stated if we are going to have a crosswalk we need to have it marked and this intersection was never designed for a crossing. Cherry Tree, originally, was not to be signalized. Altman stated it is a long stretch before there is an area that is intended to be crossed and now it will be more utilized with The Legacy development. Neal stated they will find out what the exact scope of work will be and bring it back to the Commissioners. Holt motioned to approve. Altman seconded. Motion carried unanimously. 4) Mike Swanton requesting Driver Feedback School Signs at 146th Street and Oak Ridge Road in Washington Township. The recommendation is to make no changes at this time. The studies for driver's speed are on the portable signs; he has not seen any studies on long term installations. There are flashers at that location and he is not sure of the effectiveness of those combined. Burt stated he would also have a concern of putting too many flashing lights in front of people. Holt motioned to approve the correspondence. Altman seconded. Motion carried unanimously.

Acceptance of Streets

Fox Hollow at Geist, Section 3

Neal requested approval of streets for Fox Hollow at Geist, Section 3 for a total of 0.51 miles. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Official Actions

Fox Hollow at Geist, Section 3

Neal requested approval of the official action to install regulatory signs for Fox Hollow at Geist, Section 3. Holt motioned to approve. Altman seconded. Motion carried unanimously.

INDOT Agreement Format - Riverwalk

Mr. Brad Davis requested Howard review the new INDOT Agreement format for the Riverwalk.

Community Development Block Grant [2:18:22]

Bid Award – Owner Occupied Rehabilitation

Mr. Mark McConaghy stated they did have to make one adjustment to the Community Development Block Grant (CDBG) Owner Occupied Rehabilitation bids; JA Yancey had not included the replacement costs of a furnace, just the repair costs, in his total. After the adjustment his bid was still the lowest bid. McConaghy recommended the bids be awarded to JA Yancey & Sons. Altman stated the bids are very close on the Broadway Avenue home; are they identical in response? McConaghy stated yes. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Public Service Contracts

McConaghy recommended approval of Public Service Contracts for the CDBG Grant. Agreements are between Hamilton County, Indiana and the following: The Salvation Army, Hamilton County; Community Caring Foundation, Saint Vincent de Paul Society/Our Lady of Grace Catholic Church; Neighborhood Christian Legal Clinic; Alternatives Incorporated of Madison County; and Trinity Free Clinic. Holt motioned to approve. Altman seconded. Altman asked what is McConaghy doing to track the performance of grant monies? McConaghy stated the recipients file quarterly reports and an audit is done. Altman stated she is more concerned about effective use of the monies. McConaghy stated in most cases the majority of the money is going directly to the public with no monies going to administration. Altman stated she does not want to exclude other possibilities if some are not performing the way they should and she wants to make sure there are benchmarks in place. McConaghy stated they do and he is working on the Consolidated Annual Performance and Evaluation Report for HUD and he will bring a copy into the Commissioners. Altman stated she spoke to a group of MIBOR Realtors and one thing that came out loud and clear, especially with the foreclosure issues, is that as a community we need to do more on informing and educating new home buyers on responsibility. Do any of our grants do that? McConaghy stated that would not serve a CDBG clientele, they would not be low and moderate

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income. Altman stated these are the people this grant is serving. The realtors think we (some governmental agency) are providing that service. Holt stated they are the ones selling the house with a sub-prime mortgage. Altman stated she knows Marion County has a program and she requested that McConaghy look to see if it would be grant eligible and see if there is a template out there. The need exists and someone needs to fill it.

Environmental Review Letter

McConaghy requested approval of Section 106 Review (Environmental Review) letter to the Indiana Department of Natural Resources for the CDBG Program for the Noblesville ADA Ramps and Curb Replacement project. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Altman called a break in the meeting.

Altman called the meeting back to order. [2:54:24]

Voter Registration Copier Lease

Ms. Linda Stoner requested approval of a copier lease with IKON for Voter Registration. Holt motioned to approve. Altman seconded. Altman asked Stoner who they used to determine what copier to select? Stoner stated IKON has the State government contract and we are under that contract. They did contact another vendor but he wanted to sell us a copier that was above our needs at this time. Altman asked how long is the lease? Stoner stated five years and the copier can be upgraded during that time with a purchase of that years lease. Motion carried unanimously.

Community Corrections, Phase III Bid Award

Bid Package #12 – Mechanical/Plumbing

Mr. John Barbee recommended that the Community Corrections, Phase III Bid Package #12, Mechanical/Plumbing be awarded to Sullivan & Poore and accept Alternate #3B Custom Air Handling as manufactured by TMI. This recommendation does not change the budget as presented on November 26, 2007. Barbee also requested award of all bids as proposed and approve the final construction budget of \$41,222,354 plus financing. Howard stated that alternate is not the lowest bid but based on the recommendation, warranties, long term maintenance costs, etc., this alternate brings the most value to the project. Holt motioned to approve. Altman seconded. Altman asked when will construction commence? Barbee stated construction has begun. Altman asked when will these contracts be released? Barbee stated there were some early contracts released immediately and the rest will be released with a Notice to Proceed in early February once financing is in place. Motion carried unanimously.

Site Investigation

Barbee requested approval for additional site investigations at the corrections complex as proposed by American Environmental not to exceed \$12,071. Holt motioned to approve. Altman seconded. Motion carried unanimously. Altman asked if there is anything we will have to do retroactively on the environmental issue? Barbee stated we are hoping this last investigation will get a no further action report.

Kitchen Services Lease

Barbee requested approval to enter into a Lease with Kitchens To Go for the temporary kitchen during the kitchen expansion work. Total lease is estimated to be approximately \$120,000. Holt asked how will this work? Barbee stated the kitchen will set in the temporary intake lot in trailers with a lot of existing kitchen equipment moved into the trailers. Gas, water and electric will have to be fed to the trailers and we will operate out of the trailers for three to four months and then it will all be moved back into the building. The same staff will operate the kitchen and this is the most cost efficient method. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Buildings and Grounds – Contract Renewal

Mr. Scott Warner requested approval of a contract renewal with Initial Electronics, changing their name to Red Hawk, for full coverage maintenance on the security cameras and monitors in the amount of \$8,400. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Snow Removal

Holt asked Warner how the snow removal downtown is going? Warner stated he has not had any complaints. Holt stated his concern is the front lobby and appearances.

Homeland Security Grant Agreement

Altman recommended approval of the Indiana Homeland Security Foundation Grant Agreement in the amount of \$4,000 for the purchase of weather radios which EMA will determine how to distribute. Holt motioned to approve. Altman seconded. Motion carried unanimously.

2008 Insurance Coverage

Mr. Bob Fearrin, Hamilton County's Insurance Consultant; Mr. Doug Walker, Hamilton County's Insurance Agent; and Mr. Don Dickerson, Burnham and Flowers presented the following: amount of coverage on the Judicial Center, a quote on covering Hamilton County bridges, and the 2008 insurance renewal quotes. Fearrin stated an appraisal on all county owned buildings valued over \$1 million was completed. The Judicial Center's current coverage is \$33,455,000; the appraisal was \$38,953,000. Fearrin requested increasing the coverage immediately and not waiting until the February 1 renewal date. Holt motioned to approve. Altman seconded. Altman asked if it was appraised at replacement costs? Fearrin stated yes. Motion carried unanimously.

Mr. Doug Walker stated the value on Hamilton County bridges is \$43,680,000 with \$20,000,000 coverage for earthquake. The quote is \$41,000 with a \$250,000 deductible. Holt asked if terrorism an exclusion? Walker stated no, domestic or foreign, both are covered. Altman asked if a structural failure is covered? Walker stated no nor obsolescence. Altman asked what is the comparison with what we are paying for other property coverage, such as for this building when we bring it up to \$39 million? Fearrin stated the actual cost to increase our excess property coverage will cost \$250 to \$300 for the next two months. Holt asked what is the insurance committee's recommendation? Walker stated they had no recommendation and sent it onto the Commissioners. Altman asked to wait until Commissioner Dillinger returns. Fearrin stated there is enough money in the budget to cover the expense. Holt motioned to table. Altman seconded. Motion carried unanimously.

Walker stated the 2008 Insurance Renewal premium is the same as last years. We have had another good year on claim frequency which has a lot to do with the loss control programs that have been initiated by the Commissioners. Walker stated all of the carriers remain the same. Holt motioned to approve. Altman seconded. Motion carried unanimously.

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Commissioner Committee Reports [3:18:18]

Animal Control

Altman stated the Prosecutor prosecuted the pit bull case with abandoned pit bulls; part of the order was restitution to the animal control facility. The defendant had a good point that the county is paying it, where does the money go? It should come back to the county if we have reimbursed the animal control shelter for taking care of those animals. Holt stated our contract envisions the cost of keeping an animal for five days and they were kept as evidence for a long time. Altman stated it is seven days and the pro-rata costs, she does not know if that was done and it needs to be looked into. Holt asked how long were the dogs kept? Howard stated if it was months, we would spend more money tracking the costs. Altman asked if Holt would check into the restitution.

Altman stated she has a concern regarding the advertised animals that are being called terrier mixes; when you look at them they look like they have pit bull heritage. Altman is concerned there may be liability issues on how the humane society is classifying their animals

Fairgrounds

Altman asked Holt if he has spoken with Frank Lepresti? Holt stated yes, he sent a copy of his proposal to Lisa Hanni; she is going to review it he needs to return a call to Lisa.

Indiana Transportation Museum

Altman stated the Hamilton County Visitors Bureau is investing a lot of money in the Indiana Transportation Museum and in the course of the review of how they sustain themselves when the grant money goes away they looked at the possibility of running a commuter rail from Hamilton County to Union Station. We will need to install a bridge at 10th Street and obtain right of way with CSX. This may be a good place to start, initially, with regional transportation. Holt asked if there is a preliminary estimate on costs of the bridge? Altman stated they have located a metal truss that could be re-used. They estimated costs at \$11 million with right of way. (Inaudible conversation with Brad Davis was held.)

ISSD Purchase Order

Ms. BJ Casali requested approval of a Purchase Order for additional equipment to get EMA, Household Hazardous Waste and highway department on the new IP Phone System. Holt asked if this is in the budget? Casali stated yes, there is funding. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Ordinance 12-10-07-A, Amending the Personnel Policy

Howard presented Ordinance 12-10-07-A, An Ordinance of the Board of Commissioners of Hamilton County and the Hamilton County Council Concerning an Amendment to the Personnel Policy for Hamilton County, Indiana. This ordinance addresses items found during the IRS Compliance Review: cell phone use, personal use of County vehicles and uniforms. Altman asked if the uniforms are just for the brown sheriff's uniforms or does it include the new khaki uniform (low volume uniform)? Sheriff Carter stated their low volume uniform is an assigned uniform. Howard stated just assigning a uniform is not enough; if they are wearing golf shirts that they can go home, play golf in and they are readily adaptable; that is a taxable benefit. The ordinance is effective January 1, 2008 or the first payroll of 2008, whichever is applicable. Howard stated our goal is to move into compliance to avoid penalties and the State Board of Accounts will not allow us to pay penalties with taxpayer dollars. Holt motioned to waive the rules. Altman seconded. Motion carried unanimously. Holt motioned to approve the ordinance on first reading. Altman seconded. Motion carried unanimously. Holt stated they have discussed there could be an exception to police and fire casual wear that we are not aware of; Holt asked Sheriff Carter if he could investigate if there is a public service exemption. Altman stated we need to look at EMA and there are other areas this pertains to. Howard stated the IRS Publication was very explicit and our IRS compliance person was explicit.

Altman asked the Auditor's office to start informing the commissioners of expenditures that run a fine line; such as the Chamber memberships; there are several elected officials that have their Chamber memberships paid by tax dollars. Howard stated associations that are in furtherance of your profession are not in the prohibited actions. If the Chamber is an interaction such as the Auditor's Association, it would pass the straight face test. Altman stated it is a question of whether it is an expenditure we should be approving or not. We need to go through that and go forward with a clean slate and be very clear on what we feel is appropriate use of tax dollars and what is not.

Ms. Sheena Randall stated she and BJ (Casali) work with the phone companies, elected officials and department heads and we have identified the rates through AT&T/Cingular for cell phones. Several departments are not using AT&T/Cingular, they are using other vendors. We will work with those individuals and bring them in for another conference and we would like the Commissioners support in doing that. All of those rates have to be established before January 1st. The first payroll for 2008 begins December 17th. Altman asked if the reason they are not on the approved vendor list is because they have ongoing contracts that need to expire? Casali stated that is true for Verizon and the Prosecutor's office. Those that are in Sprint/Nextel it is the push-to-talk feature that is used by Buildings & Grounds and the Health Department. They were granted a variance to let them keep the Nextel. Altman stated some of the phones on AT&T can provide that feature; Altman asked Casali to look into it so we can move everybody to the extent we can. Altman stated if the feature is now available with AT&T lets move everything over to AT&T unless there is an issue that the phone does not work. Holt stated under the new policy there is no personal use unless a plan is set up through ISSD; isn't that what needs to be communicated to the employees that remain on the other plans? Casali stated yes. Holt stated this is the third time we have talked about this and each time we have said we would wean these people off of these plans. Casali stated they were under the misconception that Verizon with the Prosecutors office expires in April and it does not expire until October. The employees know that as a phone breaks they move to AT&T. The ones we have to work with are the offices with Sprint/Nextel. Altman asked if we had a policy that they could buy personal minutes on those phones? Casali stated yes. Casali stated to her knowledge no one has taken the option to purchase personal minutes on the Sprint/Nextel phones. Altman stated if we allowed people to purchase personal minutes and no one has taken that option and we have revised the policy that no personal minutes are allowed then that relieves this responsibility to the IRS. Holt stated if they are not using it personally there is no responsibility to the IRS, if ISSD is getting the monthly bills and they are being monitored for personal minutes. Casali stated we can't tell if the minutes are personal or not so we send them to the office holders to approve. Altman stated her point is that if we don't allow anyone to purchase 500 personal minutes on that program we have resolved that issue on Sprint/Nextel until they cycle in to AT&T. Holt stated he hears Altman's point but ISSD will get the response that no one has told them that information. Holt stated he thought we approved Nextel because they offered a feature AT&T did not. Casali stated they (AT&T) now offers that feature. Casali clarified that she has the commissioner's recommendation that she should notify offices that use vendors other than AT&T that when their contracts expire they will be expected to migrate to

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AT&T? Altman stated correct. Holt asked Sheriff Carter if this creates issues with his department because there were coverage issues in the north and west. Carter stated that is why they have stayed with Verizon; we do not use the push to talk feature. Carter stated he would prefer to keep the Verizon feature for coverage and the availability of the number. Randall stated the numbers are now portable. Randall stated her concern is the IRS regulations are percentage based. If they charge \$70 a month for phone and if you have 450 minutes of business and 450 minutes of personal it is split down the middle; that is why we had to change the rates with Cingular. Casali stated it is a pro-rata share; the more personal minutes you buy the larger percentage you pay. Randall stated we need to determine the payroll deductions. Holt asked if it can be tabled to the next meeting and they can speak with Scott (Warner) and Doug (Carter). Altman stated we have to resolve the percentage share for the next payroll. To the extent we have any employees outside of AT&T that have purchased personal minutes that comparison needs to be made for payroll. In terms of moving and consolidating we can defer that issue to a later date. Casali stated those that have personal minutes their rates will increase. Holt asked Dawn (Coverdale) if they have been notified of that? Coverdale stated no because it has not been approved. Randall will send out notification of the changes after this meeting. Altman stated we have approved the ordinance, she would like to stem any other vendor providing personal minutes; we don't have anybody buying personal minutes on any other program? Casali stated the Sheriff's Department. Altman stated if we go from this day forward with no personal minutes until we resolve the current plan on AT&T. Randall stated before the payroll is processed the rates have to be signed off on by all of the employees and returned to her for the next payroll. Holt stated there needs to be a Sheriff's Department exception. Altman stated she did say that. Randall stated they will establish the rates.

Administrative Assistant [3:48:54]

Janus Transportation Grant Agreement

Mr. Fred Swift requested approval of the 2008 Capital Assistance Grant for Janus Transportation to purchase three buses. These will replace two buses and add one additional bus to the fleet. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Commissioners/Council Retreat

Swift stated the county council has agreed to meet with the commissioners on January 17, 2008 at 8:00 a.m. at Osprey Pointe. Holt and Altman agreed.

Animal Control Ordinance

Swift stated at the last meeting the amendments to the Animal Control Ordinance were not addressed due to the lack of a second to a motion. Altman stated Darren (Murphy) was going to add the penalty portion for failure to register litters.

Encumbrances

Swift stated funds need to be encumbered for payment to Envoy for the downtown study. Coverdale stated there is no money to encumber. Altman asked if we need to transfer funds? Swift stated yes, we can transfer from Inmates and Other Institutions. Holt and Altman agreed to the transfer and Swift will take care of the paperwork.

2008 Appointments

Swift stated he has checked with the commissioners appointees for 2008 and they would all like to be considered for re-appointment with the exception of Dick Mallery. Altman asked Swift to add Sally Shapiro to the Aviation Authority possible appointment list.

United Way

Swift distributed United Way deduction forms to the Commissioners.

Attorney [3:54:12]

Community Corrections Project

Howard requested approval of contracts for the Community Corrections Project with Performance Contracting, Inc. Holt motioned to approve. Altman seconded. Motion carried unanimously. Howard requested approval of a contract with High Concrete Group, LLC for the Community Corrections project. Holt motioned to approve. Altman seconded. Motion carried unanimously.

96th Street/US 421 Economic Development Area Release Agreement

Howard requested approval of a Release Agreement with Duke Construction Limited Partnership for the 96th Street/US 421 Economic Development Area. Duke has complied with everything under the Memorandum of Understanding. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Olio Road Over I-69 Interlocal Agreement

Howard requested approval of an Interlocal Agreement between Hamilton County, Indiana, and the City of Noblesville for The Construction of a Bridge for Olio Road Over I-69. Altman motioned to approve. Holt seconded. Motion carried unanimously.

131st Street and Allisonville Road

Howard stated he has received an agreement from the Town of Fishers for the intersection of 131st Street and Allisonville Road. Fishers will be the lead agency on this project with the County acquiring right of way on the northeast quadrant and paying the necessary costs for a westbound right turn lane on 131st to northbound Allisonville Road; all other costs will be paid by Fishers. The staff of the highway department has approved the document as to form and Howard requested approval by the commissioners. Davis stated we did not discuss the acquiring of right of way. Howard recommended tabling this issue.

Ordinance 12-10-07-A, Amending the Personnel Policy

Howard requested approval of the final form of Ordinance 12-10-07-A, Amending the Personnel Policy. Revisions were made to consolidate Section b and dropped the personal use exceptions for vehicles. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Animal Control Ordinance

Holt asked Murphy what the status was on the Animal Control Ordinance? Murphy stated he made the revisions and it was presented at the last meeting. Howard stated the Ordinance died due to lack of a second because there was concern regarding the definition of the person having a litter. Howard stated he thinks the commissioners are looking for a more restrictive requirement. Murphy stated it was introduced at the last meeting. Rauch stated there was a motion to pass and no second. Holt motioned to introduce Ordinance 11-26-07-A, Amending Ordinance 03-23-06-A Concerning Animal Control Regulations. Altman seconded. Motion carried unanimously.

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Auditor[4:05:29]

Leave of Absence Application – Kathy Richardson

Ms. Dawn Coverdale requested approval of the Application of Leave of Absence for Kathy Richardson beginning January 7, 2008 and ending March 14, 2008 or upon recess of the General Assembly in case of a special session. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit – Drainage Board

Coverdale requested acceptance of Bonds and Letters of Credit for the drainage board. 1) HCDB-2007-00065 – The Ohio Casualty Insurance Company Performance Bond No. 3-973-299 for the reconstruction of the offsite Krause Klepfer Drain - \$145,680.00. 2) HCDB-2007-00068 – Fidelity and Deposit Company of Maryland Completion Bond No. 08900601 for the reconstruction of the Park Northwestern Drain (LA Fitness Carmel) - \$75,445.20. Holt motioned to approve. Altman seconded. Motion carried unanimously. Motion carried unanimously.

Release of Bonds/Letters of Credit – Drainage Board

Coverdale requested the release of Bonds and Letters of Credit for the drainage board. 1) HCDB-2005-00137 – Bond Safeguard Insurance Company Subdivision Performance Bond No. 5020234 – Little Farms Erosion Control - \$5,548.20. 2) HCDB-2005-00139 – Bond Safegurd Insurance Company Subdivision Bond No. 5020233 – Little Farms Storm Sewers - \$52,120.80. 3) HCDB-2006-00039 – Bond Safeguard Insurance Company Subdivision Bond No. 5022217 – Maple Knoll Section 3 Storm Sewers, Erosion Control, Monuments and Markers - \$339,216.00. 4) HCDB-2006-00039A - Bond Safeguard Insurance Company Subdivision Bond No. 5022217 – Maple Knoll Section 3 (Rider reducing bond amount from \$339,216.00 to \$291,816.00 for removing erosion control from the list of improvements and placed on a separate Bond). 5) HCDB-2006-00061 – Madison Community Bank Irrevocable Standby Letter of Credit No. 3018156 – Saddlebrook at Shelborne Monumentation - \$5,760.00. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Payroll Claims

Coverdale requested approval of Payroll Claims for the periods of November 5-18, 2007 paid November 30, 2007 and November 19 - December 2, 2007 paid December 14, 2007. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Vendor Claims

Coverdale requested approval of Vendor Claims to be paid December 11, 2007. Altman asked if the Council claims were approved? Coverdale stated yes. Holt motioned to approve. Altman seconded. Motion carried unanimously.

December 20 Meeting

Swift stated a time needs to be set for the December 20 meeting. Altman requested scheduling the meeting for 10:10 a.m. in the Commissioners Courtroom. Altman stated the Animal Ordinance and the Thompson Thrift request should be placed on that agenda.

Holt motioned to adjourn. Altman seconded. Motion carried unanimously.

Commissioners Correspondence

DNR Notification of Finding of No Historic Properties Affected for CDBG Grant

MPO Tentative CMAQ Schedule for 2008

BLN Notice of Transmittal:

Bridge #57, East 256th Street over Little Cicero Creek

Bridge #133, East 186th Street over Stoney Creek

Bridge #224, Allisonville Road over Stoney Creek

IDEM Notice of Sewer Permit Applications:

Noblesville Crossing – Noblesville

IDEM Notice of Construction Permit Applications:

Hazel Dell Road Project – Noblesville

Old Meridian Professional Village – Carmel

Certificates of Insurance:

McGuff Roofing, Inc.

RDJ Custom Homes, Inc.

HAMILTON COUNTY BOARD OF COMMISSIONERS
DECEMBER 10, 2007

Present

Christine Altman, Commissioner
Steven A. Holt, Commissioner
Dawn Coverdale, Chief Deputy Auditor
Fred Swift, Administrative Assistant to Commissioners
Kim Rauch, Administrative Assistant to Auditor
Michael Howard, Attorney
Darren Murphy, Attorney
Doug Carter, Sheriff
Brad Davis, Highway Director
Jim Neal, County Highway Engineer
Joel Thurman, Highway Project Engineer
Amber Emery, Highway Public Service Representative
Dave Lucas, Highway Staff Engineer
Christopher Burt, Highway Engineering Technician
Tim Knapp, Highway Right-of-Way Manager
Matt Knight, Highway Bridge Program Engineer
Faraz Khan, Highway Staff Engineer
Kathy Howard, Highway Department Administrative Mgr.
Sheena Randall, Human Resources
Bill Butz, 116th & Olio
Scott Hornsby, Agreements
Laura Thielking, Town of Fishers

Mike Kessler, DLZ
Bruce Breeden, Cripe
Patti Smith, BLN
Becki Wise-Kent, USI
David Whiteman
Ross Snider, USI
Floyd Burroughs, FEBA
John Barbee, Envoy
Scott Warner, Buildings & Grounds
Steve Schwartz, Council
BJ Casali, ISSD
Stephen Little, Bid Award
Brian Thorne, Bid
Brad Arger, Bid
Bob Fearnin, Fearnin Insurance
Doug Walker, Walker & Associates
Don Dickerson, Burnham & Flowers
Bill Terry, Thompson Thrift
Don Potter, Thompson Thrift

APPROVED
HAMILTON COUNTY COMMISSIONERS

ATTEST

Robin M. Mills, Auditor